IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1290 of 2005

Between:

Smt. J. Sujana, W/o. Late J. Sriramulu,
R/o. Mudivarti (V), Vidavaluru Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Vidavalur (Village & Mandal), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in suspending the Fair Price Dealership of the petitioner through D.Dis (E)31/2004, dt. 27-11-2004 of the Respondent No.1 conforming the proceedings Rc. J. 3526 of 2003, dt. 7-11-2003 of the Respondent No. 2 as illegal, arbitrary and unjust and consequently direct the Respondents to restore her Fair Price Dealership at Gandhi Nagar, Mudivarti Village, Vidavaluru Mandal, Nellore District and pass such other order or orders

Counsel for the Petitioner: MR. R.K. SURI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORAL ORDER:

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The authorization of the petitioner as a Fair Price Shop Dealer was suspended by the Revenue Divisional Officer, Kavali, the 2nd respondent through his proceedings dated 7.11.2003. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. The appeal was rejected through order dated 27.11.2004. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The suspension of the authorization of the petitioner was on the ground that she unauthorizedly discontinued supply of essential commodities. While the petitioner contended that she intimated the fact to the 3rd respondent and obtained his permission to avail leave, the 2nd respondent took the view that no such permission was existing. The truth or otherwise of these aspects need to be considered in the final proceedings. The petitioner has already submitted her explanation. The record is complete in all respects.

It appears that the 2nd respondent did not proceed with the matter on account of the pendency of the appeal before the 1st respondent. Now that the appeal itself is rejected, the 2nd respondent can proceed with the matter and pass final orders.

Hence, the writ petition is disposed of directing the 2nd respondent to conclude the proceedings against the petitioner within a period of 4 weeks from the date of receipt of a copy of this order. In case the proceedings are not so finalized, the order of suspension passed against the petitioner shall remain stayed and she shall be entitled to continue as a dealer. No order as to costs.

1.2.2005

Note: CC in two days.

BO CVM

To,

1 The Joint Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Vidavalur (Village & Mandal), Nellore District.

4. 2 CCs to G.P. for Civil Supplies, High Court buildings, Hyderabad (OUT).

5. 2 CD copies.